

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DUSTY L. BARTON.

Plaintiff(s),

No. C 07-1484 PJH

v.

ORDER OF DISMISSAL

BANK OF AMERICA, et al.,

Defendant(s).

The parties having filed a notice of settlement and request to vacate all pretrial dates

15 IT IS HEREBY ORDERED that this case is dismissed **without** prejudice; however,
16 if any party hereto shall certify to this court, with proof of service of a copy thereof to the
17 opposing party, within sixty (60) days from the date of this order, that the agreed
18 consideration for said settlement has not been delivered over, the foregoing order shall
19 stand vacated and this case shall forthwith be restored to the court's calendar to be set for
20 trial.

21 The parties may substitute a dismissal **with** prejudice simply by submitting a
22 stipulation and order for dismissal with prejudice within sixty (60) days.

23 || IT IS SO ORDERED.

24 | Dated: August 23, 2007

PYR

PHYLLIS J. HAMILTON
United States District Judge